IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8510 OF 2005

Mr. B.R. Mahadevia . .. Petitioner.

vs.

Reshma Estates Pvt. Ltd., .. Respondents.

Mr. D.F. Sharma i/by Dharam & Co.

for petitioner.

Mr. Devverta Singh i/by Thakordas & Madgaonkar

for respondent no.1.

CORAM : S.U. KAMDAR, J.

DATE : 20th December, 2005.

P.C.:

. The present petition challenges the order passed by the trial Court taking the written statement on record beyond the period of 90 days. Now in view of the judgment of this Court in the case of Chintaman Sukhdeo Kaklij & Ors., vs. Shivaji Bhausaheb Gadhe & others, reported in 2004 (5) Bom. C.R. 573 and the judgment of the Apex Court in the case of Rani Kusum (Smt) vs. Kanchan Devi (Smt.) and others reported in (2005) 6 SCC 705 wherein it is held that the Court has a power to extend the time and the time limit stipulated is not mandatory. I am of the view that a discretionary powers exercised by the Court need not be interfere

with in writ jurisdiction under Article 227 of the Constitution of India. Petition dismissed. No order as to costs.